

JUDGE ROELT

13 CIV 898

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRITTANY MUNOZ and GEORGIA CLEARY,

Plaintiffs,

v.

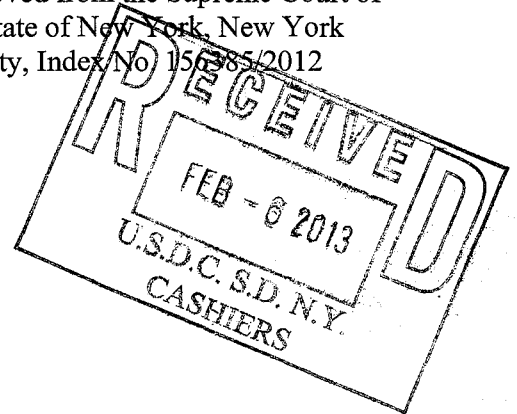
PHOTOBUCKET CORPORATION; PHOTOBUCKET, INC.; NEWS CORP.; NEWS CORPORATION; NEWS CORPORATION, INC.; NEWS CORP DIGITAL MEDIA; NEWS CORP. DIGITAL MEDIA, INC.; FOX INTERACTIVE MEDIA; FOX INTERACTIVE MEDIA, INC.; ONTELA, INC.; MYSPACE, LLC; MYSPACE; MYSPACE, INC; MYSPACE, CORP.; SPECIFIC MEDIA, LLC; SPECIFIC MEDIA GROUP; SPECIFIC MEDIA GROUP, LTD.; PHILIP DAYTON, individually or by and through his step-father/legal guardian, Donald Kushnick, or by and through his mother/legal guardian/natural guardian, Danielle Dudeck/Jane Doe; DONALD KUSHNICK; DANIELLE DUDECK; JANE DOE #1, mother/legal guardian/natural guardian of Philip Dayton; NINA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; NIA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; PASQUALE BUFFALINO; GINA BUFFALINO; JANE DOE numbered 2 through 5, to wit, those female individual persons who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE numbered 1 through 5, those male individuals who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE, INC./JOHN DOE, CORP., numbered 1 through 5, those corporate or business entities which committed, or helped commit, the acts/torts alleged herein in the attached notice,

Defendants.

Case No.: _____

NOTICE OF REMOVAL

Removed from the Supreme Court of
the State of New York, New York
County, Index No. 156385/2012



PLEASE TAKE NOTICE that Defendants News Corporation and Fox Interactive Media, Inc.¹ hereby remove the above-entitled action from the Supreme Court of New York, New York County, to the United States District Court, Southern District of New York, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of removal to this Court, Defendants News Corporation and Fox Interactive Media, Inc., respectfully state as follows:

I. BACKGROUND

1. On or about September 14, 2012 Plaintiffs Brittany Munoz and Patricia Cleary commenced a civil action by filing a Summons With Notice in the Supreme Court of the State of New York, County of New York (the “State Court”), Index No. 156385/2012.

2. On January 7, 2013, Defendants News Corporation and Fox Interactive Media, Inc. were served with the Summons With Notice in the State of New York.

3. Plaintiffs’ Summons With Notice purports to assert claims under, *inter alia*, “civil Federal RICO” statutes, as well as for “violations of relevant federal statutes and laws including, but not limited to, the federal Electronic Communications Privacy Act; the federal Wiretap Act; the federal Computer Fraud and Abuse Act; the federal Copyright Act, the federal Digital Millenium [sic] Copyright Act; and/or 18 USC § 1801 (et seq., video voyeurism); violations of state and federal child pornography statutes and other federal and state statutes designed/enacted to protect minors.” (*See* Summons with Notice, attached hereto as Exhibit A, at 9).

4. Defendants News Corporation and Fox Interactive Media, Inc. have not been served with a complaint, and no complaint has been filed in the State Court. On January 28, 2013, News Corporation and Fox Interactive Media, Inc. filed and served a Notice of

¹ Plaintiffs also named the following Defendants: “News Corp.,” “News Corporation, Inc.,” “News Corp. Digital Media,” “News Corp. Digital Media, Inc.,” and “Fox Interactive Media.” None of these entities presently exist, and thus they are improperly named. Therefore, this Notice is filed solely on behalf of Defendants News Corporation and Fox Interactive Media, Inc.

Appearance and Demand for Complaint on the Plaintiffs. On February 4, 2013, Defendants News Corporation, Fox Interactive Media, Inc., Photobucket Corporation, Photobucket.com, Inc., MySpace LLC, Specific Media LLC, and Plaintiffs stipulated to extend Plaintiffs' time to file a complaint from February 4, 2013 to February 18, 2013.

5. No further proceedings have occurred in the State Court as of the date of the filing of this Notice of Removal.

II. REMOVAL IS PROPER UNDER 28 U.S.C. § 1441(c) BECAUSE THIS COURT HAS ORIGINAL JURISDICTION PURSUANT 28 U.S.C. § 1331.

6. Removal of this matter is proper pursuant to 28 U.S.C. § 1441 because this is a civil action "of which the district courts have original jurisdiction" and is founded on a claim or right "arising under . . . the laws . . . of the United States." 28 U.S.C. § 1441(a), (c). Specifically, this Court has original jurisdiction over this action under 28 U.S.C. § 1331, because Plaintiffs purport to assert claims under various federal statutes set forth above in paragraph 3.

7. This Court has supplemental jurisdiction over all of Plaintiffs' other purported claims pursuant to 28 U.S.C. § 1367.

III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED.

8. No previous application has been made for the relief requested herein.

9. Section 1446 provides that "the notice of removal of a civil action or proceeding shall be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

10. Plaintiffs served the Summons With Notice on Defendants News Corporation and Fox Interactive Media, Inc., on January 7, 2013. This Notice of Removal is being timely filed

within 30 days after service of the Summons With Notice pursuant to 28 U.S.C. § 1446(b). Because Plaintiffs have not yet served a complaint, the Summons With Notice is the initial pleading setting forth the claim for relief upon which the action is based. *Whitaker v. Am. Telecasting, Inc.*, 261 F.3d 196 (2d Cir. 2001).

11. Removal to this Court is proper pursuant to 28 U.S.C. § 1446(a), because the United States District Court for the Southern District of New York embraces the Supreme Court of New York, County of New York, where Plaintiffs' action is pending.

12. True and correct copies of Plaintiffs' Summons With Notice (Exhibit A), Plaintiffs' Notice of Commencement of Action Subject To Mandatory Electronic Filing (Exhibit B), Defendants Photobucket Corporation and Photobucket, Inc.'s Demand for Complaint (Exhibit C), Defendants News Corporation and Fox Interactive Media, Inc.'s Notice of Appearance and Demand for Complaint (Exhibit D), Defendants MySpace LLC and Specific Media LLC's Notice of Appearance and Demand for Complaint (Exhibit E), and Defendants News Corporation, Fox Interactive Media, Inc., Photobucket Corporation, Photobucket.com, Inc., MySpace LLC, Specific Media LLC, and the Plaintiffs' stipulation extending Plaintiffs' time to file a complaint (Exhibit F), are attached hereto. As required by 28 U.S.C. § 1446(a), these documents constitute "all process, pleadings, and orders" served on Defendants News Corporation and Fox Interactive Media, Inc. in the State Court action.

13. All Defendants to the State Court action have consented to the filing of this Notice of Removal. A Stipulation of Consent in Support of this Notice of Removal is attached hereto as Exhibit G.

14. Pursuant to 28 U.S.C. § 1446(d), News Corporation and Fox Interactive Media, Inc. will file a written notice of this removal with the clerk of the State Court where Plaintiffs'

action is pending. Copies of this Notice of Removal and the written notice of this removal will also be served on Plaintiffs' counsel in accordance with 28 U.S.C. § 1446(d).

IV. RESERVATION OF DEFENSES AND RIGHTS

15. News Corporation and Fox Interactive Media, Inc. reserve all defenses in this action.

16. News Corporation and Fox Interactive Media, Inc. reserve the right to amend or supplement this Notice of Removal.

17. The undersigned counsel for News Corporation and Fox Interactive Media, Inc. has read the foregoing and signs this Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants News Corporation and Fox Interactive Media, Inc. pray that the above action now pending against them in the Supreme Court of the State of New York, New York County, be removed to this Court.

Dated: New York, New York
February 5, 2013

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: 

Laura Handman
James Rosenfeld
Jeremy Chase

1633 Broadway, 27th Floor
New York, New York 10019
Tel: (212) 489-8230

*Attorneys for Defendants News Corporation and
Fox Interactive Media, Inc.*

TO: BAILEY & SHERMAN, P.C.
Edward G. Bailey, Esq.
40-26 235th Street
Douglaston, New York 11363
(718) 631-2500

Attorneys for Plaintiffs

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
BRITTANY MUNOZ and GEORGIA CLEARY,

Plaintiffs,

-against-

PHOTOBUCKET CORPORATION; PHOTOBUCKET, INC.; NEWS CORP.; NEWS CORPORATION; NEWS CORPORATION, INC.; NEWS CORP DIGITAL MEDIA; NEWS CORP DIGITAL MEDIA, INC.; FOX INTERACTIVE MEDIA; FOX INTERACTIVE MEDIA, INC.; ONTELA, INC.; MYSPACE, LLC; MYSPACE; MYSPACE, INC.; MYSPACE, CORP.; SPECIFIC MEDIA, LLC; SPECIFIC MEDIA GROUP; SPECIFIC MEDIA GROUP, LTD; PHILIP DAYTON, individually or by and through his step-father/legal guardian, Donald Kushnick, or by and through his mother/legal guardian/natural guardian, Danielle Dudeck/Jane Doe; DONALD KUSHNICK; DANIELLE DUDECK; JANE DOE #1, mother/legal guardian/natural guardian of Philip Dayton; NINA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; NIA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; PASQUALE BUFFALINO; GINA BUFFALINO; JANE DOE numbered 2 through 5, to wit, those female individual persons who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE numbered 1 through 5, those male individuals who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE, INC./JOHN DOE, CORP., numbered 1 through 5, those corporate or business entities which committed, or helped commit, the acts/torts alleged herein in the attached notice,

Defendants.
-----X

Index No.: _____/2012

Date Purchased: 09/14/2012

SUMMONS WITH NOTICE

Plaintiffs designate New York County as the place of trial.

The basis of venue is the residence/headquarters of Defendants herein, Fox Interactive Media, Inc., News Corp. and/or News Corporation.

Said Defendants reside at/maintain headquarters at 1211 Sixth Avenue, New York, NY.

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' Attorney within twenty days after the service of this summons, exclusive of the day of service (or within thirty days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Douglaston, New York
September 14, 2012

BAILEY & SHERMAN, P.C.
Attorneys for Plaintiffs

By: 

Edward G. Bailey, Esq.

Office and P.O. Address
40-26 235th Street
Douglaston, New York 11363
(718) 631-2500

Defendants' Addresses:

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Denver CO 80202

PHOTOBUCKET, INC.
1099 18th Street, Suite 700
Denver CO 80202

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New York, NY 10036

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New York, NY 10036

NEWS CORPORATION, INC.

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New York, NY 10036

NEWS CORP DIGITAL MEDIA

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FOX INTERACTIVE MEDIA

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FOX INTERACTIVE MEDIA, INC.

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ONTELA, INC.

506 Second Avenue, Suite 300
Seattle WA 98104

MYSPLACE, LLC

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4 Park Plaza, Suite 1500
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DANIELLE DUDECK

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PASQUALE BUFFALINO

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GINA BUFFALINO

2417 Devon Street
East Meadow NY 11554

JANE DOE #2

Address not known at
this time.

JANE DOE #3

Address not known at
this time.

JANE DOE #4

Address not known at
this time.

JANE DOE #5

Address not known at
this time.

JOHN DOE # 1

Address not known at
this time.

JOHN DOE # 2

Address not known at
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JOHN DOE # 3

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JOHN DOE # 4

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JOHN DOE # 5

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JOHN DOE, INC. #1

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JOHN DOE, INC. #2

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JOHN DOE, INC. #3

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JOHN DOE, INC. #4

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JOHN DOE, INC. #5

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JOHN DOE, CORP. #1

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JOHN DOE, CORP. #2

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JOHN DOE, CORP. #3

Address not known at
this time.

JOHN DOE, CORP. #4

Address not known at
this time.

JOHN DOE, CORP. #5

Address not known at
this time.

NOTICE:

The nature of this action is a personal injury/tort claim(s) to recover against Defendants herein, their agents, servants, employees and/or affiliates, for injuries/damages sustained by Plaintiffs including, but not limited to, recovery of compensatory damages, punitive damages, costs, expenses, fees (if any as allowed by law), as well as the granting of equitable relief, declaratory relief, and/or injunctive relief (including, but not limited to, the enjoining of further publication and the removal of images from the Internet), and such other damages and relief as ordered by this Court..

On or about November 10, 2007, and continuing thereafter indefinitely, Defendant herein PHILIP DAYTON and/or the other Defendants, acting individually, and/or through the other Defendants herein, and/or in consort with the other Defendants herein, and/or with the assistance of the other Defendants herein, directly or indirectly caused lewd, private and very personal images, video images and/or photographs of Plaintiff herein, BRITTANY MUNOZ, who was an infant at the time, to be widely publicized, published, disseminated, and/or distributed without the fore-knowledge or consent of the Plaintiffs herein.

Said images, as aforesaid, were publicized, published, disseminated, and/or distributed to individuals who were members of Plaintiffs' community on November 10, 2007, and to the world. Said images were publicized, published, disseminated, and/or distributed in such a manner so as to appear on the Internet and/or Worldwide Web and on various web sites and web pages thereon. Said images were publicized, published, disseminated, and/or distributed in such a manner so as to appear on, among other things, cell phones, personal digital assistant devices and/or personal computing devices of the aforesaid members of Plaintiffs' community, and/or other persons throughout the world. All of the foregoing was without Plaintiffs' fore-knowledge or consent.

The Defendants are liable to the Plaintiffs for the following and/or Plaintiffs' causes of action will be based on and/or include the following: violation of privacy; trespass to chattel; conversion; violation of civil rights; violation of New York State statutes including, but not limited to, New York Civil Rights Law § 50; New York Civil Rights Law § 51; New York Penal Law § 156.05 and/or 156.10; computer tampering; computer hacking; on-line tampering; website tampering; website hacking; website trespass; civil Federal RICO violations; civil state RICO violations; cyber piracy; cyber torts; Internet torts; unlawful duplication; unlawful or wrongful distribution, dissemination, publication and/or publicizing; wrongful or unlawful voyeurism or video voyeurism; breach of security; false light publication; cyber spying; cyber smearing; tarnishment through linking; wire fraud; wiretapping; violations of relevant federal statutes and laws including, but not limited to, the federal Electronic Communications Privacy Act; the federal Wiretap Act; the federal Computer Fraud and Abuse Act; the federal Copyright Act; the federal Digital Millenium Copyright Act; and/or 18 USC § 1801 (et seq., video voyeurism); violations of state and federal child pornography statutes and other federal and state statutes designed/enacted to protect minors; injury to a minor; fraud; impersonation; prima facie tort; libel; slander; defamation; intentional infliction of emotional distress; violation of privacy and civil rights laws; vicarious liability; negligence; negligent infliction of emotional distress; and/or intentional infliction of emotional distress.

In addition, the claims against the parental Defendants herein will include, but not be limited to, negligent supervision; negligent supervision of children; negligent monitoring of their children's on-line activities; negligent supervision and management of computers and other on-line or telephonic devices in the household.

In addition, the claims against the business/corporate Defendants herein will include, but not be limited to, negligent security; negligent website management; breach of contract; and/or negligent supervision, retention, hiring, and/or training of employees.

The relief sought is monetary damages, restitution and/or other items of value to compensate the Plaintiff BRITTANY MUNOZ for serious, personal and upon information and belief, permanent injuries for, among other things, conscious pain and suffering, emotional and/or mental distress, psychological trauma and/or overlay, damage to reputation, lost income, lost opportunities academic, employment and otherwise, loss of enjoyment of life, loss of enjoyment of activities, social, recreational and otherwise, medical expenses, and other related expenses on behalf of Plaintiff BRITTANY MUNOZ, in a sum that exceeds the jurisdictional amount of all lower courts which would otherwise have jurisdiction

Relief is sought by Plaintiff GEORGIA CLEARY directly and derivatively based on the foregoing and for the loss of the comfort, society and companionship of her daughter, Plaintiff herein BRITTANY MUNOZ, and for lost time, income and opportunities, loss of enjoyment of life, loss of enjoyment of activities, as well as expenses incurred, all as a result of the foregoing, and in a sum that exceeds the jurisdictional amount of all lower courts which would otherwise have jurisdiction, all together with costs and disbursements of this action .

Upon failure to appear, judgment will be taken against you for default together with the costs and disbursements of this action and such other and further relief as the Court deems just, proper and equitable.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: _____/2012

BRITTANY MUNOZ and GEORGIA CLEARY,

Plaintiffs,

-against-

PHOTOBUCKET CORPORATION; PHOTOBUCKET, INC.; NEWS CORP.; NEWS CORPORATION; NEWS CORPORATION, INC.; NEWS CORP DIGITAL MEDIA; NEWS CORP DIGITAL MEDIA, INC.; FOX INTERACTIVE MEDIA; FOX INTERACTIVE MEDIA, INC.; ONTELA, INC.; MYSPACE, LLC; MYSPACE; MYSPACE, INC.; MYSPACE, CORP.; SPECIFIC MEDIA, LLC; SPECIFIC MEDIA GROUP; SPECIFIC MEDIA GROUP, LTD; PHILIP DAYTON, individually or by and through his step-father/legal guardian, Donald Kushnick, or by and through his mother/legal guardian/natural guardian, Danielle Dudeck/Jane Doe; DONALD KUSHNICK; DANIELLE DUDECK; JANE DOE #1, mother/legal guardian/natural guardian of Philip Dayton; NINA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; NIA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; PASQUALE BUFFALINO; GINA BUFFALINO; JANE DOE numbered 2 through 5, to wit, those female individual persons who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE numbered 1 through 5, those male individuals who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE, INC./JOHN DOE, CORP., numbered 1 through 5, those corporate or business entities which committed, or helped commit, the acts/torts alleged herein in the attached notice,

Defendants.

SUMMONS WITH NOTICE

LAW OFFICES OF
BAILEY & SHERMAN, P.C.
Attorneys for Plaintiffs
40-26 235th Street
Douglaston, New York 11363
Ph: 718-631-2500

Pursuant to 22 NYCRR 130-1.1a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (I) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (3) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

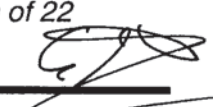


Exhibit B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
BRITTANY MUNOZ and GEORGIA CLEARY,

Plaintiffs,

-against-

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Defendants.
-----X

Index No.: 156385/2012

Date Purchased: 09/14/2012

**NOTICE OF
COMMENCEMENT OF
ACTION SUBJECT O
MANDATORY ELECTRONIC
FILING**

NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk [Summons with Notice], is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment and (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center at 646-386-3033 or efile@courts.state.ny.us.

Dated: Douglaston, New York
January 5, 2013

BAILEY & SHERMAN, P.C.
Attorneys for Plaintiffs

By: Anthony V. Gentile
Anthony V. Gentile, Esq.

(Of Counsel)
Office and P.O. Address
40-26 235th Street
Douglaston, New York 11363
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Defendants' Addresses:

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JANE DOE #2

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Address not known at
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JOHN DOE, INC. #3

Address not known at
this time.

JOHN DOE, INC. #4

Address not known at
this time.

JOHN DOE, INC. #5

Address not known at
this time.

JOHN DOE, CORP. #1

Address not known at
this time.

JOHN DOE, CORP. #2

Address not known at
this time.

JOHN DOE, CORP. #3

Address not known at
this time.

JOHN DOE, CORP. #4

Address not known at
this time.

JOHN DOE, CORP. #5

Address not known at
this time.

Exhibit C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X

BRITTANY MUNOZ and GEORGIA CLEARY, :

Index No. 156385/12

Plaintiffs, :

**DEMAND FOR
COMPLAINT**

-against- :

PHOTOBUCKET CORPORATION; PHOTOBUCKET, :
INC.; NEWS CORP.; NEWS CORPORATION; NEWS :
CORPORATION, INC.; NEWS CORP DIGITAL MEDIA;; :
NEWS CORP DIGITAL MEDIA, INC.; FOX :
INTERACTIVE MEDIA; FOX INTERACTIVE MEDIA, :
INC.; ONTELA, INC.; MYSPACE, LLC; MYSPACE; :
MYSPACE, INC.; MYSPACE, CORP.; SPECIFIC :
MEDIA, LLC; SPECIFIC MEDIA GROUP; SPECIFIC :
MEDIA GROUP, LTD; PHILIP DAYTON; DONALD :
KUSHNICK; DANIELLE DUDECK; JANE DOE #1; :
NINA BUFFALINO; NIA BUFFALINO; PASQUALE :
BUFFALINO; GINA BUFFALINO, JANE DOE # 2-5; :
JOHN DOE # 1-5; JOHN DOE INC./JOHN DOE CORP. # :
1-5 ,

Defendants.

----- X

C O U N S E L O R S:

PLEASE TAKE NOTICE that the defendants designated as "Photobucket Corporation" and "Photobucket, Inc." in the caption of this action hereby demand, pursuant to CPLR § 3012(b), that a copy of the complaint be served upon its undersigned attorneys at the address stated below.

Dated: New York, New York
January 14, 2013

SATTERLEE STEPHENS BURKE & BURKE, LLP

By: 
Mark Lerner
230 Park Avenue

New York, NY 10169

(212) 818-9200

*Attorneys for Defendants Photobucket Corporation
and Photobucket Inc.*

TO: BAILEY & SHERMAN, P.C.
Edward G. Bailey, Esq.
Office and P.O. Address
40-26 235th Street
Douglaston, New York 11363
Attorneys for Plaintiffs

Exhibit D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- x
BRITTANY MUNOZ and GEORGIA CLEARY, :

Plaintiffs, :

- against - :

PHOTOBUCKET CORPORATION; :
PHOTOBUCKET, INC.; NEWS CORP.; NEWS :
CORPORATION; NEWS CORPORATION, INC.; :
NEWS CORP DIGITAL MEDIA; NEWS CORP :
DIGITAL MEDIA, INC.; FOX INTERACTIVE :
MEDIA; FOX INTERACTIVE MEDIA, INC.; :
ONTELA, INC.; MYSPACE, LLC; MYSPACE; :
MYSPACE, INC.; MYSPACE CORP.; SPECIFIC :
MEDIA, LLC; SPECIFIC MEDIA GROUP; :
SPECIFIC MEDIA GROUP, LTD; PHILIP :
DAYTON, individually or by and through his step- :
father/legal guardian, Donald Kushnick, or by and :
through his mother/legal guardian, Danielle :
Dudeck/Jane Doe; DONALD KUSHNICK; :
DANIELLE DUDECK; JANE DOE #1, :
mother/legal guardian/natural guardian of Philip :
Dayton; NINA BUFFALINO, individually or by :
and through her father/legal guardian/natural :
guardian, Pasquale Buffalino or by and through her :
mother/legal guardian/natural guardian, Gina :
Buffalino; NIA BUFFALINO, individually or by :
and through her father/legal guardian/natural :
guardian, Pasquale Buffalino or by and through her :
mother/legal guardian/natural guardian, Gina :
Buffalino; PASQUALE BUFFALINO; GINA :
BUFFALINO; JANE DOE numbered 2 through 5, :
to wit, those female individual persons who :
committed, or helped commit, the acts/torts alleged :
herein in the attached notice; JOHN DOE :
numbered 1 through 5, those male individuals who :
committed, or helped commit, the acts/torts alleged :
herein in the attached notice; JOHN DOE, :
INC./JOHN DOE, CORP., numbered 1 through 5, :
those corporate or business entities which :
committed, or helped commit, the acts/torts alleged :
herein in the attached notice, :
:

Defendants. :
----- x

Index No. 156385/2012

**NOTICE OF APPEARANCE
AND DEMAND FOR
COMPLAINT**

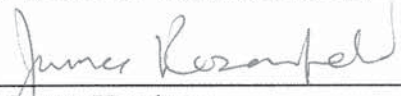
PLEASE TAKE NOTICE that pursuant to CPLR § 320(a), defendants NEWS CORPORATION and FOX INTERACTIVE MEDIA, INC., hereby appear in the above-captioned action, and have retained the undersigned as counsel.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 3012(b), defendants NEWS CORPORATION and FOX INTERACTIVE MEDIA, INC., hereby demand that you serve the Complaint in this action upon the undersigned counsel within twenty (20) days of this demand. Defendants News Corp., News Corporation, Inc., News Corp. Digital Media, Inc., News Corp. Digital Media, and Fox Interactive Media are not juridical entities, and therefore are improperly named.

Dated: New York, New York
January 25, 2013

DAVIS WRIGHT TREMAINE LLP

By: _____


Laura Handman
James Rosenfeld
Jeremy Chase

1633 Broadway 27th Floor
New York, New York 10019
(212) 489-8230

*Attorneys for Defendants
News Corporation and Fox Interactive Media, Inc.*

To: Edward G. Bailey, Esq.
Bailey & Sherman, P.C.
40-26 235th Street
Douglaston, NY 11363
*Attorneys for Plaintiffs
Brittany Munoz and Georgia Cleary*

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I, LESLIE MAJER being sworn, say: I am not a party to the action, am over 18 years of age and reside at Brooklyn, New York. On January 25, 2013, I served the within NOTICE OF APPEARANCE AND DEMAND FOR COMPLAINT by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to the following at the last known address set forth below:

Edward G. Bailey, Esq.
Bailey & Sherman, P.C.
40-26 235th Street
Douglaston, New York 11363

*Attorneys for Plaintiffs Brittany Munoz
and Georgia Cleary*



LESLIE MAJER

Sworn to before me this
25th day of January, 2013.



Notary Public

CHRISTINE K. ULRICH
NOTARY PUBLIC, State of New York
No. 01UL4656700
Qualified in Dutchess County
Commission Expires January 31, 2014

Exhibit E

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK----- X
BRITTANY MUNOZ and GEORGIA CLEARY,

Plaintiffs,

v.

PHOTOBUCKET CORPORATION; PHOTOBUCKET, INC.; NEWS CORP.; NEWS CORPORATION; NEWS CORPORATION, INC.; NEWS CORP DIGITAL MEDIA; NEWS CORP. DIGITAL MEDIA, INC.; FOX INTERACTIVE MEDIA; FOX INTERACTIVE MEDIA, INC.; ONTELA, INC.; MYSPACE, LLC; MYSPACE; MYSPACE, INC; MYSPACE, CORP.; SPECIFIC MEDIA, LLC; SPECIFIC MEDIA GROUP; SPECIFIC MEDIA GROUP, LTD.; PHILIP DAYTON, individually or by and through his step-father/legal guardian, Donald Kushnick, or by and through his mother/legal guardian/natural guardian, Danielle Dudeck/Jane Doe; DONALD KUSHNICK; DANIELLE DUDECK; JANE DOE #1, mother/legal guardian/natural guardian of Philip Dayton; NINA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; NIA BUFFALINO, individually or by and through her father/legal guardian/natural guardian, Pasquale Buffalino or by and through her mother/legal guardian/natural guardian, Gina Buffalino; PASQUALE BUFFALINO; GINA BUFFALINO; JANE DOE numbered 2 through 5, to wit, those female individual persons who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE numbered 1 through 5, those male individuals who committed, or helped commit, the acts/torts alleged herein in the attached notice; JOHN DOE, INC./JOHN DOE, CORP., numbered 1 through 5, those corporate or business entities which committed, or helped commit, the acts/torts alleged herein in the attached notice,

Defendants.
----- X

Index No. 156385/2012

**NOTICE OF APPEARANCE AND
DEMAND FOR COMPLAINT**

PLEASE TAKE NOTICE that, pursuant to CPLR § 320(a), Defendants MYSPACE LLC and SPECIFIC MEDIA LLC hereby appear in the above-captioned action and have retained the undersigned as counsel. Defendants "Myspace," "Myspace, Inc.," "Myspace, Corp.," "Specific Media Group," and "Specific Media Group, Ltd." are not legal entities that currently exist and thus they are improperly named as defendants.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 3012(b), Defendants MYSPACE LLC and SPECIFIC MEDIA LLC hereby demand that you serve the Complaint in this action upon the undersigned counsel at the addresses listed below within twenty (20) days of this demand.

Dated: New York, New York
February 4, 2013

GREENBERG TRAURIG, LLP

By: William Silverman / RFH
William Silverman, Esq.
Ryan F. Harsch, Esq.
200 Park Avenue, 39th Floor
New York, NY 10166
Tel: (212) 801-9200
Fax: (212) 644-2400

Wendy M. Mantell, Esq.
1840 Century Park East
Suite 1900
Los Angeles, CA 90067
Tel: (310) 586-7700
Fax: (310) 586-7800

*Attorneys for Defendants Myspace LLC and
Specific Media LLC*

TO: BAILEY & SHERMAN, P.C.
Edward G. Bailey, Esq.
40-26 235th Street
Douglaston, New York 11363
(718) 631-2500

Attorneys for Plaintiffs

Exhibit F

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X		Index No. 156385/12
BRITTANY MUNOZ and GEORGIA CLEARY,	:	
	:	
Plaintiffs,	:	<u>STIPULATION</u>
	:	
-against-	:	
	:	
PHOTOBUCKET CORPORATION; PHOTOBUCKET,	:	
INC.; NEWS CORP.; NEWS CORPORATION; NEWS	:	
CORPORATION, INC.; NEWS CORP DIGITAL MEDIA;;	:	
NEWS CORP DIGITAL MEDIA, INC.; FOX	:	
INTERACTIVE MEDIA; FOX INTERACTIVE MEDIA,	:	
INC.; ONTELA, INC.; MYSPACE, LLC; MYSPACE;	:	
MYSPACE, INC.; MYSPACE, CORP.; SPECIFIC	:	
MEDIA, LLC; SPECIFIC MEDIA GROUP; SPECIFIC	:	
MEDIA GROUP, LTD; PHILIP DAYTON; DONALD	:	
KUSHNICK; DANIELLE DUDECK; JANE DOE #1;	:	
NINA BUFFALINO; NIA BUFFALINO; PASQUALE	:	
BUFFALINO; GINA BUFFALINO, JANE DOE # 2-5;	:	
JOHN DOE # 1-5; JOHN DOE INC./JOHN DOE CORP. #:	:	
1-5 ,	:	
	:	
Defendants.	:	
	:	
-----X		

IT IS HEREBY STIUPLATED AND AGREED, by and between the undersigned attorneys for the parties herein, that the deadline for Plaintiff to serve a Complaint on the undersigned Defendants in response to the demand for complaint filed by Photobucket Corporation and Photobucket.com, Inc. (sued herein as Photobucket, Inc.) is adjourned from February 4, 2013 to February 18, 2013, and that the time for said defendants to answer or otherwise respond to the Complaint in this matter be and hereby is adjourned to March 11, 2013.

IT IS HEREBY FURTHER STIPULATED AND AGREED that facsimile or PDF signatures shall be deemed originals herein, and this stipulation may be signed in counterparts and filed without further notice.

Dated: New York, New York
February 4, 2013


BAILEY & SHERMAN, P.C.

By: _____
Edward G. Bailey
Attorneys for Plaintiffs
40-26 235th Street
Douglaston, New York 11363
718-631-2500

DAVIS WRIGHT TREMAINE LLP

By: _____
Laura Handman
James Rosenfeld
Jeremy Chase
*Attorneys for Defendants News Corporation
and Fox Interactive Media*
1633 Broadway, 27th Floor
New York, NY 10019
212-489-8230

SATTERLEE STEPHENS BURKE &
BURKE LLP

By:  _____
Mark Lerner
Sarah Gilbert
*Attorneys for Defendants Photobucket
Corporation and Photobucket.com, Inc. (sued
herein as Photobucket, Inc.)*
230 Park Avenue
New York, New York 10160
212-818-9200

GREENBERG TRAURIG, LLP

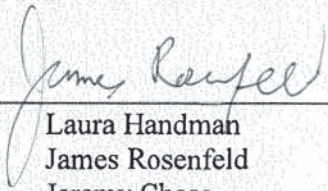
By:  _____
Wendy M. Mantell
*Attorneys for Defendants MySpace LLC and
Specific Media LLC*
1840 Century Park East, Suite 1900
Los Angeles, CA 90067-2121
310-586-6522

Dated: New York, New York
February 4, 2013

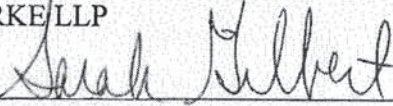
BAILEY & SHERMAN, P.C.

By: _____
Edward G. Bailey
Attorneys for Plaintiffs
40-26 235th Street
Douglaston, New York 11363
718-631-2500

DAVIS WRIGHT TREMAINE LLP

By:  _____
Laura Handman
James Rosenfeld
Jeremy Chase
*Attorneys for Defendants News Corporation
and Fox Interactive Media*
1633 Broadway, 27th Floor
New York, NY 10019
212-489-8230

SATTERLEE STEPHENS BURKE &
BURKE LLP

By:  _____
Mark Lerner
Sarah Gilbert
*Attorneys for Defendants Photobucket
Corporation and Photobucket.com, Inc. (sued
herein as Photobucket, Inc.)*
230 Park Avenue
New York, New York 10160
212-818-9200

GREENBERG TRAURIG, LLP

By: _____
Wendy M. Mantell
*Attorneys for Defendants MySpace LLC and
Specific Media LLC*
1840 Century Park East, Suite 1900
Los Angeles, CA 90067-2121
310-586-6522